

D/A

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ FEB 15 2013 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
MARIA SIEROTOWICZ,

BROOKLYN OFFICE

Plaintiff,

ORDER

-against-

12-CV-3100 (NGG) (RML)

JUDGE CUTRONA, Supreme Court of the State of  
New York, County of Kings, JUDGE ROTHENBERG,  
Supreme Court of the State of New York, County of  
Kings, JUDGE SOLOMON, Supreme Court of the State  
of New York, County of Kings, NYC DEPARTMENT  
OF SOCIAL SERVICES—ADULT PROTECTIVE  
SERVICES, 189 ROSS ASSOC., LLC, KAY MANG.,  
SAM KESTENBOUM, AHMET HOTI,

Defendants.

-----X  
NICHOLAS G. GARAUFIS, United States District Judge.

On August 14, 2012, this court granted Plaintiff's request to proceed in forma pauperis and dismissed her Complaint without prejudice. (Aug. 14, 2012, Mem. & Order (Dkt. 5).) The court noted that it was unclear whether Plaintiff had been appointed a guardian, in which case it could not reach the merits of any of her claims. (*Id.* at 6.) The court ordered that if Plaintiff had indeed been appointed a guardian, such guardian could file an Amended Complaint on Plaintiff's behalf within forty-five days, but that if no such Amended Complaint were filed within forty-five days or if Plaintiff had not been appointed a guardian by that time, the case would be closed. (*Id.*) No Amended Complaint has been filed by either Plaintiff or any guardian. Instead, Plaintiff filed a notice of appeal on September 13, 2012. (Dkt. 8.) On January 31, 2013, the Second Circuit dismissed Plaintiff's appeal. See Order, Sierotowicz v. Rothenberg, No. 12-3666 (2d Cir. Jan. 31, 2013), Dkt. 41.

Accordingly, the Clerk of Court is directed to enter judgment in favor of Defendants and to close this case. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of this Order would not be taken in good faith and, therefore, in forma pauperis status is denied for the purposes of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962). The Clerk of Court shall mail a copy of this Order to Plaintiff and indicate the mailing on the electronic docket.

SO ORDERED.

Dated: Brooklyn, New York  
February 12, 2013

s/Nicholas G. Garaqufis

NICHOLAS G. GARAUFIS  
United States District Judge